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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,283	05/31/2001	Yumiko Kato	MTS-3253US	8620

7590 10/22/2004

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EXAMINER
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OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 10/22/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/871,283

**Applicant(s)**

KATO ET AL.

**Examiner**

Michael N. Opsasnick

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-11 and 32-41 is/are rejected.
- 7) ☒ Claim(s) 6 and 12-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.8.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 4,5,7,8 are allowable over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

As per claims 4,5,7,8, the detailed recited limitations pertaining to the particular apparatus and method used to replace words of one language with words of a second language is not explicitly taught by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Claims 6,12-31 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can only be listed in the alternative. See MPEP § 608.01(n). Please see the listing below for examples of proper/improper multiple claim dependency. Accordingly, claims 6,12-31 have not been further treated on the merits.

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A. Acceptable Multiple Dependent Claim Wording

- Claim 5. A gadget according to claims 3 or 4, further comprising ---
- Claim 5. A gadget as in any one of the preceding claims, in which ---
- Claim 5. A gadget as in any one of claims 1, 2, and 3, in which ---
- Claim 3. A gadget as in either claim 1 or claim 2, further comprising ---
- Claim 4. A gadget as in claim 2 or 3, further comprising ---
- Claim 16. A gadget as in claims 1, 7, 12, or 15, further comprising ---
- Claim 5. A gadget as in any of the preceding claims, in which ---
- Claim 8. A gadget as in one of claims 4-7, in which ---
- Claim 5. A gadget as in any preceding claim, in which ---
- Claim 10. A gadget as in any of claims 1-3 or 7-9, in which ---
- Claim 11. A gadget as in any one of claims 1, 2, or 7-10 inclusive, in which ---

B. Unacceptable Multiple Dependent Claim Wording

1. Claim Does Not Refer Back in the Alternative Only

- Claim 5. A gadget according to claim 3 and 4, further comprising ---
- Claim 9. A gadget according to claims 1-3, in which ---
- Claim 9. A gadget as in claims 1 or 2 and 7 or 8, which ---
- Claim 6. A gadget as in the preceding claims in which ---
- Claim 6. A gadget as in claims 1, 2, 3, 4 and/or 5, in which ---
- Claim 10. A gadget as in claims 1-3 or 7-9, in which ---

2. Claim Does Not Refer to a Preceding Claim

- Claim 3. A gadget as in any of the following claims, in which ---
- Claim 5. A gadget as in either claim 6 or claim 8, in which ---

3. Reference to Two Sets of Claims to Different Features

- Claim 9. A gadget as in claim 1 or 4 made by the process of claims 5, 6, 7, or 8, in which ---

4. Reference Back to Another Multiple Dependent Claim

- Claim 8. A gadget as in claim 5 (claim 5 is a multiple dependent claim) or claim 7, in which ---

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 34-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claims 34-41, the claim language pertaining to “as all or some of the following means” is vague and indefinite. It is not clear as to the scope of “all or some” of the claim limitations; the claim language must be specific as to the scope of the claim language. Since the scope of the claim language is unclear, the claims 34-41 will not be treated further on the merits. Correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3,9-11,32,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al (5848389) in view of Silverman (5890117).

As per claims 9,1,3,11,32,33, Asano et al (5848389) teaches an apparatus/method for providing information by speech (Fig. 7):

“analyzing means of extracting....criterion” as analyzing and calculating resemblance degrees between word combinations (Fig. 3, subblock S2);

“replacing the extracted words.....relational information” as replacing the words in the example based upon the resemblance degrees (Fig. 3, subblock S5);

“selecting a standard sentence.....words” as choosing according to the word subject lattice pertaining to the resemblance calculation (col. 8 line 23 – col. 9 line 31);

“identifying a predetermined response.....pattern.....replacing.....corresponding words” as replacing the input word series with a related second series of words (col. 9 line 65 to col. 10 line 20);

“speech synthesizing means....performed” as speech synthesis of the translated result (col. 13 lines 30-40);

“wherein said relational information.....related” as using relational information to determine the new series of words (col. 9 lines 34-50).

As per claims 9,1,3,11,32,33, Asano et al (5848389) does not explicitly teach using prosody information during the speech synthesis process, however, Silverman (5890117) teaches the use of the prosody information that has been predetermined to the process (Silverman (5890117) col. 31 lines 10-50). Therefore, it would have been obvious to one of ordinary skill in the art of speech synthesis to modify the teachings of Asano et al (5848389) with prosody based speech synthesis because it would

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advantageously optimize the prosody for a particular context based phrase (Silverman  
(5890117), col. 31 lines 15-17).

As per claims 2,10, Asano et al (5848389) teaches relational word information  
(col. 9 lines 34-50).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

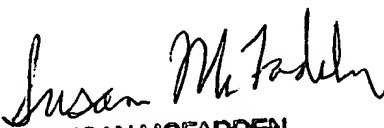
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
10/14/2004

  
**SUSAN MCFADDEN**  
**PRIMARY EXAMINER**